

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:11CR124
)	
v.)	
)	
KEVIN L. McGHEE,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the findings and recommendation of the magistrate judge (Filing No. [31](#)) that defendant's motion to suppress search and statement (Filing No. [20](#)) be granted. The Court has reviewed the motion, the brief in support thereof (Filing No. [21](#)), and plaintiff's response (Filing No. [23](#)).

In addition, the Court has reviewed plaintiff's objections to the findings and recommendations (Filing No. [36](#)), the brief in support thereof (Filing No. [37](#)), and defendant's response (Filing No. [38](#)), and finds the findings and recommendation of the magistrate judge should be approved and adopted. Accordingly,

IT IS ORDERED:

1) The findings and recommendation of the magistrate judge are approved and adopted; defendant's motion to suppress search and statement is granted.

2) Plaintiff's objection is denied.

3) Trial of this matter is scheduled for:

Tuesday, November 29, 2011, at 9 a.m.

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. The date will accommodate not only the schedule of the Court but will give the parties time to prepare for trial or pursue plea negotiations. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between September 29, 2011, and November 29, 2011, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 29th day of September, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court